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Dated: June 21, 2007

Signature: 

(Thomas J. Wiggellner)

Docket No.: 5363-3259
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: David L. Kaplan et al.

Application No.: 10/536,810

Confirmation No.: 4571

Filed: September 19, 2006

Art Unit: 1609

For: ANTIOXIDANT-FUNCTIONALIZED POLYMERS

Examiner: Macauley, Sheridan R.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Response is submitted in response to the Election/Restrictions Requirement issued on April 27, 2007. Enclosed are a one-month extension of time and the appropriate fee.

In the Election/Restrictions Requirement issued on April 27, 2007, the Examiner required election of one of the following seven inventions. In addition, if Group I, III, VI or VII is elected, the Examiner required that a species must also be elected from each of the species groups indicated.

Group		Species
I	claims 119-137, drawn to a method for enzymatically synthesizing a functionalized polymer	A: monomer B: antioxidant C: form of polymer D: type of polymer
II	claims 138-146, drawn to a method of protecting oxygen sensitive material from degradation	
III	claims 147-152, drawn to a medical device	E: type of medical device

IV	claim 153, drawn to an antioxidant coupled packing material	
V	claims 154 and 155, drawn to a delivery system for antioxidants	
VI	claims 156-165, drawn to a method of controlled delivery of antioxidant to a subject	F: form of polymer
VII	claims 166-169, drawn to an ascorbyl coupled polymer	G: Y group H: Z group I: R group

In order to be responsive, Applicants elect the Group I invention (drawn to a method for enzymatically synthesizing a functionalized polymer) and further elects the following species, with traverse:

Species A: vinyl monomers;
Species B: ascorbic acids;
Species C: sheets; and
Species D: homopolymers

Claims 119-134, and 136 are drawn to the elected invention and species.

Applicants request that the restriction requirement be reconsidered and withdrawn in its entirety since it appears that a single search should suffice for examination of all aspects of this invention.

In particular, Applicants request that all of the Group I claims (119-137) be examined together, and that the species elections be withdrawn since such examination would not present a serious burden on the Examiner. In addition, the species are capable of use together. For example, the Applicants have shown that the methods of the invention can be used with multiple monomers and antioxidant (see, Examples 1-5). Thus, Applicants should not be limited to one particular species of monomer or antioxidant. In addition, the species overlap in scope and are not mutually exclusive. For example, the difference between the forms of polymers of Species C (e.g., films, fibers, coatings, sheets, tubes, and combinations thereof) and the difference between types of

polymers of Species D (e.g., homopolymer or copolymer) clearly overlap in scope and are not mutually exclusive. In addition, only two claims (claims 136 and 137) are directed to Species D (type of polymer, e.g., homopolymer or copolymer). Thus, the added burden of examining both claims 136 and 137 would appear to be minimal in comparison with the burden on the Applicants if division is required.

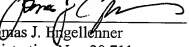
Applicants agree with the Examiner that claim 119 is generic to all of the species, but submits that claims 120-122, 124-128, 131-132, and 134 are also generic to Species A-D. Thus, upon allowance of a linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn with regard to any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s).

If any additional fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 5363-3259, Customer No. 021125.

Applicants invite the Examiner to call the undersigned if there are any questions regarding the above election.

Dated: June 21, 2007

Respectfully submitted,

By 
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